

REALNET.006A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mysore Y. Jaisimha, et al.)
Appl. No. : 09/175,208)
Filed : October 19, 1998)
For : A SYSTEM AND METHOD)
FOR REGULATING THE)
TRANSMISSION OF MEDIA)
DATA)
Examiner : Justin T. Darrow)

DECLARATION OF PRIOR INVENTORSHIP UNDER 37 C.F.R. §1.131

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

We declare that:

1. We are inventors of subject matter recited in Claims 1, 3, 4 and 14-26 of the present patent application which was filed October 19, 1998.
2. Claims 1, 3, 4 and 14-26 were rejected in a Final Office Action dated March 5, 2002. The rejection was based on U.S. Patent No. 6,134,243 which claims priority back to January 15, 1998.
3. Prior to January 15, 1998, a product including all the elements of independent Claims 1, 4, 14, 17, 22 and 23 was offered by and distributed by RealNetworks, Inc. For example, that product included the features described in excerpts of a RealSystem Administration Guide Version 5.0, for which true and correct photocopies are attached hereto as Appendix A. More particularly, the materials in Appendix A describe the encoding of media files for transmission in accordance with certain transmission protocols, for example, by

Sent by: RealNetworks/Media Tech.

208 448 8203;

04/02/02 8:11PM; JctFax #39; Page 3/3

Appl. No. : 09/175,208
Filed : October 19, 1998

streaming media data or by downloading media data at a certain bit rate for mobile playback applications. The materials in Appendix A were published in 1997.

5. In addition, a true and correct copy of a press release attached hereto as Appendix B demonstrates that RealSystem Version 5.0 was publicly released prior to January 15, 1998.

6. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

Dated: 4/9/02

By: Mysore Y. Jaishankar

Dated: 4/9/02

By: Phillip E. Barrett

HWDCSWNPRN/1142.DOC
032502

Sent by: RealNetworks/Media Ter

208 448 6203;

03/20.

12:50PM; Jaf... #478; Page 2/8

VERSION 5.0

RealServer

Internet
Solution

Intranet
Solution

Commerce
Solution

real

**audio
video**

www.real.com

Networks

Sent by: RealNetworks/Media Tag

208 448 8203;

03/20 12:51PM; JotFax #479; Page 3/8

RealServer™
Administration Guide
Version 5.0

RealNetworks, Inc.

Sent by: RealNetworks/Media Te

206 448 6203;

03/20 12:51 PM; JettFax #479; Page 4/8

Information in this document is subject to change without notice. Companies, names, and data used in examples herein are fictitious unless otherwise noted. No part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without the express written permission of RealNetworks, Inc.

© 1995-1997 RealNetworks, Inc. All rights reserved.

RealAudio and RealVideo are registered trademarks of RealNetworks, Inc.
The Real logo, RealServer, RealPlayer, RealEncoder, RealPublisher and RealSystem are trademarks of RealNetworks, Inc.

ACELP-NET codes used under license from Université de Sherbrooke, Sipro Lab Telecom, Inc. Copyright 1994-1997. All rights reserved.

Adobe Premiere is a trademark of Adobe Systems, Inc.

Apple and Macintosh are trademarks of Apple Computer, Inc.

Audible Player is a trademark of Audible, Inc.

DolbyNet is a trademark of Dolby Laboratories, Inc.

Dolby Digital AC-3 audio systems manufactured under license from Dolby Laboratories Licensing Corporation. Copyright 1996-1997 Dolby Laboratories Licensing Corporation. All rights reserved.

Bravado 1000 is a trademark of Trevision, Inc.

CD30 is a trademark of micro Computer Products.

Right and Libraries Copyright 1997 Eugene Eric Kim.

Java is a trademark of Sun Microsystems, Inc.

Macromedia is a registered trademark and Shockwave is a trademark of Macromedia, Inc.

Neoscape Netsite is a trademark of Neoscape Communications Corporation.

O'Reilly Website NT is a trademark of O'Reilly Associates, Inc.

Sonic Foundry and Sound Forge are trademarks of Sonic Foundry, Inc.

SunOS and Solaris are trademarks of Sun Microsystems, Inc.

UNIX is a registered trademark of X/Open Company Limited.

Windows and Windows NT are trademarks of Microsoft Corporation.

MySQL and miniSQL Copyright 1996 Hughes Technologies Pty. Ltd.

Opkey 1000 is a trademark of Multimedia Access.

PowerPC is a trademark of IBM Corporation.

SE100 is a trademark of Creative Labs.

Seagate AV drives is a trademark of Seagate.

Sipro is a trademark of Sipro Lab Telecom, Inc.

Whiteboard Multimedia Pro is a trademark of Digital Video Arts.

RealNetworks, Inc.

1111 Third Avenue, Suite 2900

Seattle, WA 98101 USA

www.real.com

Part #: 307423

Printed in the United States of America.

Sent by: RealNetworks/Media Tech

208 448 6203;

03/20/2005 12:53PM; JstFax #479; Page 6/8

RealServer Administration Guide

Encoding Content for Mobile Download

In RealPlayer or RealPublisher, click the Mobile Playback checkbox and encode audio files as usual. The RealPlayer supports only the 6.5 Kbps voice codec that is available as part of the RealPlayer and RealPublisher products. Currently, and in the near future, Mobile Players can only decode and play RealAudio files or .ram files with only audio data.

If you are using the command-line encoder, you will need to use the /P option. Valid arguments for /P are "V" (enabled) and "1" (disabled).

You can also use the realnet tool to encode a pre-existing .ram file created using RealPlayer 5.0 and enable it for Mobile Playback. See the RealAudio and RealVideo Content Creation Guide for more information on encoding files with these options.

Creating .ram Files for Mobile Download

To make content downloadable for Mobile Playback, you will need to create a .ram file on your Web server that points to the associated .am file and contains the "mobileplayback" .ram file tag. Once the appropriate .am file has been created, you can create a .ram file that contains an entry of the format `plugin/xyz.server.com/homepath/111e.mrmobileplayback="1"` where `xyz.server.com` is the name of the machine that is running your RealServer, and `path` is the location on the machine that contains your .am files and `111e.am` is the name of the file you want to make available for Mobile Playback. You can also add other .ram file tags such as `starttime` and `endtime` to the entry. In addition, you can also create .ram files with multiple URLs as before. With multiple Mobile Download enabled URLs, the files are downloaded in succession in the client computer. If you have URLs without the `mobileplayback` .ram file tag, these URLs are processed in the client player instead of being downloaded.

Leading the `mobileplayback` tag out of the .ram file enables you to make the same .am file downloadable (instead of downloadable to the client computer).

Appendix C: Creating and Serving Content for Mobile Playback

Configuring Servers for Mobile Download

Add the `MobilePlaybackOverheadRate` configuration entry to the server .ini file. For information on how to add this setting, see Chapter 4, "Configuring and Maintaining RealServer."

The syntax for this variable is as follows:

`MobilePlaybackOverheadRate`

The multiple of the streaming rate that is used to determine the effective bitrate at which the server transmits files to Mobile Playback-enabled RealPlayer via TCP. The file is sent via TCP at the effective bitrate of the network bandwidth, whichever is lower.

Default value	10
Range of values	1-100

Syntax

`MobilePlaybackOverheadRate <number>`

Example

To serve 6.5 Kbps encoded files at 19.5 Kbps:

`MobilePlaybackOverheadRate 3`

Sent by: RealNetworks/Media Team 206 448 6203;
RealNetworks Ships Final Version of RealSystem 5.0

08/20/02 12:54PM; JettFax #478; Page 7/8
Page 1 of 2



The Global Leader in Streaming Media Delivery



Presented by

RealNetworks & Leading Edge



HOME

PRODUCTS & SERVICES

SOLUTIONS

RESOURCES & SUPPORT

COMPANY

Search [] Advanced Search

1997 PRESS RELEASES

- Company
- Press Room
- Press Releases
 - 2001
 - 2000
 - 1999
 - 1998
 - 1997
 - 1996
 - 1995

REALNETWORKS SHIPS FINAL VERSION OF REALSYSTEM 5.0

Widespread Adoption of RealSystem 5.0 Fuels Rapid Growth in Streaming Media Market

SEATTLE, WA, November 24, 1997 - RealNetworks, the recognized leader in streaming media, today announced the final release of RealSystem 5.0, a client-server streaming media system that includes RealPlayer, RealServer and RealAudio. RealSystem 5.0 provides a suite of high quality, cross-platform products for viewing and listening streaming multimedia over the Internet and corporate intranets. The final version of RealSystem 5.0 is available immediately for download at <http://www.real.com>.

Advancements in RealSystem 5.0 set a new standard for the delivery of audio, video and animation over the Internet and corporate intranets. New features include:

- Superior audio quality, including near-CD quality voice at 28.8kbps
- Full-screen video at 100kbps to 300kbps and higher
- Real G2 with Flash animation synchronized with RealAudio
- Commercial enabled streaming media, including pay-per-view and advertising insertion

By leveraging elements of RealNetworks' patented streaming multimedia architecture, RealPlayer and RealAudio are able to deliver Real G2 with Flash animation, which combines the best Web browser technology from Macromedia and the leading streaming technology from RealNetworks to deliver high quality full-length animated programs, synchronized with RealAudio over a 28.8 modem.

"Macromedia chose to partner with RealNetworks because of their innovation and leadership in streaming media," said Norm Meyers, chief technology officer and senior vice president for Macromedia's Internet and Multimedia Authoring Tools Division. "Together we have created Real G2 with Flash to expand the frontier of rich multimedia capabilities over the Internet and corporate intranets."

RAPID ADOPTION OF REALSYSTEM 5.0

RealSystem 5.0 has enjoyed a rapid rate of adoption among consumers, leading content sites and corporate intranet customers since its beta on October 28, 1997.

Consumers have been downloading RealPlayer 5.0 at an average rate of more than 50,000 units per week, bringing the total number of players in distribution to more than 20 million. RealPlayer 5.0 plays all RealAudio, RealVideo and Real G2 with Flash programming on the Internet, making it the most popular choice for viewing real-time multimedia. In addition, the total number of Internet Web pages with streaming media has increased by more than 50% in the past two months, and more than 50% of these pages use RealAudio, RealVideo or Real G2 with Flash.

Leading content sites are selecting RealSystem 5.0. "RealSystem 5.0 delivers state-of-the-art streaming, providing users with the best possible online experience," said Megan White, HGN Online Marketing. "In particular, Real G2 with Flash enables us to deliver the most compelling multimedia productions over the Web and is instrumental in increasing awareness and interest for the October 18th release of our upcoming Warner Bond films, Tomorrow Never Dies."

Corporations are choosing RealSystem 5.0 to deliver training and corporate communications over their intranets. "RealNetworks' RealSystem 5.0 is a key component of our world class intranet which supports our training and corporate communications," said Raymond White, vice president and chief information officer at Ray Electronics. "The significant advancements in audio and video quality will offer our employees a truly compelling experience."

PRICING AND AVAILABILITY

RealSystem 5.0 players, both server and tools are available free for download and purchase from <http://www.real.com>. RealNetworks offers a complete line of cross-platform products for consumers, content creators, Internet Service Providers, ISPs and corporate intranet customers.

ABOUT REALNETWORKS

RealNetworks (NASDAQ: "RNMK"), based in Seattle, WA, is the recognized leader in the streaming media market. Its software and services facilitate streaming and playback of audio and video content on personal computers and other consumer electronic devices to send and receive audio, video and other multimedia services using the Web. RealNetworks can be found on the World Wide Web at www.real.com.

Real G2 with Flash is a trademark of Macromedia, Inc. and RealNetworks, Inc. Macromedia and Flash are

http://www.realnetworks.com/company/press/releases/1997/release50_gold.html

3/20/02

01/21/2005 17:19 FAX 949 760 9502

KMOB

026

Sent by: RealNetworks/Media Tech 208 448 8208;
RealNetworks Ships Final Version of RealSystem 5.0

03/20/02 12:54PM; JaxFax #479; Page 8/8
Page 2 of 2

registered trademarks of Microsoft, Inc.

REALNETWORKS

Contact Us | Site Map | Giveaway | Advertising | Privacy Policy | Legal Notice/Terms of Use | Real.com

http://www.realnetworks.com/company/press/releases/1997/release50_gold.html

3/20/02

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☒ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☒ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.